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AS

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/040,092 | 10/19/2001 | Heiji Kato | 29385-68773 | 1054 |

7590

11/01/2002

Barnes & Thornburg
11 S. Meridian Street
Indianapolis, IN 46204

EXAMINER

LIN, KUANG Y

ART UNIT

PAPER NUMBER

1725

2

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-4

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application N . 10/040,092 | Applicant(s) KATO ET AL. | |
| | Examiner Kuang Y. Lin | Art Unit 1725 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____ .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/324,000 .
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . | 6) <input type="checkbox"/> Other: ____ . |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood and further in view of either Sadamitsu or Itaya et al

Wood substantially shows the invention as claimed except the elongate scraper blade having shape leading edge for scraping material from the brush. However, Wood does disclose that a "beater bar" may be used to be struck by the brush thereby causes debris adhering to the brush to be thrown free(col.4, line 35+). Further, both secondary references show the use of blade like flicker for dislodging the foreign material from the brush. It would have been obvious to provide the brush of Wood with the blade like

scraper of the secondary references to facilitate the cleaning process. With respect to the claimed feature of rotatably driven of brush roll by casting roll, it would have been obvious to rotatably drive the brush roll of Wood by the casting roll if a high degree of vigorous brushing is not required. Further, applicants are advised that the claimed feature of "providing an actuator for moving the sweeper brush into engagement with the casting roll near the beginning and end of each casting run and disengage from the casting roll during normal casting operation and providing an actuator for moving the main brush into engagement with the casting roll surface at least during normal casting operation" is a method limitation, and thus does not constitute as a limitation in an apparatus claim. Also, the modified prior art apparatus is capable of performing the moving sequence. Furthermore, even if that feature is considered as a limitation in an apparatus claim, applicants admitted in page 2 of the specification that JP 29393/97 and 29394/97 show that feature to be conventional. With respect to claim 3, it would have been obvious to use any moving mechanism for moving the brush assembly. With respect to claim 4, the provision of adjustability, where needed, is not a patentable advance, *In re Stevens*, 101 USPQ 284. With respect to the material for making the brush and the scraper, it would have been obvious to use an appropriate material for those component for properly removing the debris from the roll and the brush and taking consideration of the service life thereof.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 703-308-2322. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

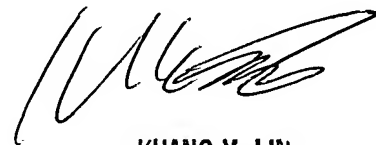
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas X Dunn can be reached on 703-308-3318. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-305-7719 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

October 29, 2002



KUANG Y. LIN
EXAMINER
GROUP 320
1725